

**REMARKS**

This case has been carefully reviewed and analyzed in view of the Office Action dated 11 August 2010. Responsive to the Office Action, Claims 37 and 47 have been amended by this Amendment, with Claims 40-46 and 48 canceled herein. Upon entry of this Amendment, Claims 37 and 47 will be pending herein for further prosecution. No new matter has been added as each amendment is believed to have more than ample support in the Specification, Claims, and Drawings, as originally filed.

In the Office Action, the Examiner rejected Claims 37 and 40-47 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Additionally, Claims 37 and 40-47 were rejected under the same statutory provision as being non-enabling. Claims 37 and 40-47 were then rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 37 was then rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements.

The Examiner then objected to Claims 40, 41, 43-44, and 45 for various informalities.

Accordingly, the Examiner's suggestions have been adopted; Claims 40-46 and 48 have been canceled and Claims 37 and 47 have been amended to be in

conformity with the Examiner's suggestions and the Specification as originally filed. Thus, the Examiner's objections and rejections are now believed to be obviated.

For the Examiner's convenience, a clean copy of independent Claim 37 is provided herein:

37. A system for assessing cardiac function, the system comprising:

(a) means for receiving a first plurality of user input ST segment and PQ segment offset times and durations and receiving a corresponding plurality of R-R interval ranges, wherein each of the ST and PQ segment offset times specifies an offset time from an R wave peak for one of the R-R interval ranges;

(b) electrical circuitry means for determining an R-R interval between a prior beat and a current beat, thereby generating a current R-R interval;

(c) processor means for determining an R wave peak of the current beat;

(d) processor means for selecting both a current beat PQ offset time and duration, and a current beat ST offset time and duration from the user input PQ and ST offset and duration times according to the current R-R interval;

(e) processor means for computing ST-segment deviation of the current beat as equal to an average value of an ST segment of the current beat minus an average value of a PQ segment of the current beat, wherein the average

values of the ST and PQ segments are based on the current beat ST and current beat PQ segment offset times and durations; and

(f) processor means for assessing cardiac function based upon the difference between the baseline ST deviation value and the ST-segment deviation of the current beat.

Thus, as the Examiner's objections and rejections have been suitably addressed herein, it is respectfully submitted that the subject Patent Application has now been placed in condition for allowance, and such action is respectfully requested.

MR3065-19

Serial Number: 10/642,245

Reply to Office Action dated 11 August 2010

If there are any charges associated with this filing, the Honorable Director of Patents and Trademarks is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,  
For: ROSENBERG, KLEIN & LEE

/Morton J. Rosenberg/

Morton J. Rosenberg  
Registration #26,049

Dated: 20 December 2010

Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
(410) 465-6678  
Customer No. 04586

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this paper is being transmitted electronically to the U.S. Patent and Trademark office, Art Unit #3762 on the date shown below.

For: ROSENBERG, KLEIN & LEE

20 December 2010

Dated

/Morton J. Rosenberg/

Morton J. Rosenberg